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PATENT & TRADE

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PAGE 01

## COMBINED DECLARATION AND POWER OF ATTORNEY

ATTORNEY DOCKET NO.: DMZ01-0001

As a below-named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below by my name;

I believe I am the original, first and sole inventor, if only one name is listed below, or an original, first and joint inventor, if multiple names are listed below, of the subject matter which is claimed and for which a patent is sought on the invention entitled:

## NETWORK MONITORING SYSTEM

for which patent application serial number 09/848,870:

 is attached hereto. was filed in the United States on 5/04/2001  
 with amendment(s) filed on \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understand the contents of the application identified above, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information known to me to be material to the examination of this application in accordance with Title 37, Code of Federal Regulations, § 1.56, which states in relevant part:

Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section.... The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office....

## Foreign Application(s) and/or Claim of Foreign Priority

I hereby claim foreign priority benefits under Title 35, United States Code, § 119(a)-(d), of any foreign application(s) for patent or inventor's certificate as indicated below and have also identified below any foreign application for patent or inventor's certificate on this invention having a filing date before that of the application on which priority is claimed:

## EARLIEST FOREIGN APPLICATION(S), IF ANY, FILED PRIOR TO THE FILING DATE OF THE APPLICATION

APPLICATION NUMBER	COUNTRY	DATE OF FILING (Day, Month, Year)	PRIORITY CLAIMED
			YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>

## Provisional Application

I hereby claim the benefit under Title 35, United States Code, § 119(e), of any United States provisional application(s) listed below:

APPLICATION NUMBER	DATE OF FILING

## U.S. Priority Claims

I hereby claim the benefit under Title 35, United States Code, § 120, of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose information that is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56, which became available between the filing date of the prior application and the national or PCT international filing date of this application:

APPLICATION NUMBER	DATE OF FILING	STATUS		
		PATENTED	PENDING	ABANDONED

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**POWER OF ATTORNEY:**

I hereby appoint the following attorney(s) and/or agent(s) listed below to prosecute this application and transact all business in the Patent and Trademark Office connected therewith, and to file, prosecute and transact all business in connection with international applications directed to said invention.

A. Richard Park (Reg. No. 41,241)  
Hoyt A. Fleming III (Reg. No. 41,752)

Daniel E. Vaughan (Reg. No. 42,199)  
Edward J. Grundler (Reg. No. P 47,615)

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Address correspondence to:	or	Direct telephone calls to:
<input checked="" type="checkbox"/> Customer Number or Bar Code Label	<input type="checkbox"/> Correspondence Address Below	Hoyt A. Fleming III (208) 334-5137
<b>*28422*</b>  <b>28422</b>  <small>PATENT TRADEMARK OFFICE</small>		  <b>28422</b>  <small>PATENT TRADEMARK OFFICE</small>

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18, United States Code, §1001, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Name and Citizenship	David M. Zendzian	USA
Residence Address	814 27th Avenue, San Francisco, CA 94121	
Postal Address (if different from Residence)		
Signature and Date		Date 7/23/01